

ORIGINAL

UNITED STATES DISTRICT COURT

District of Hawaii

OFELIA COLOYAN

V.

WILLIAM P. BADUA et al.

APR 24 2006 AM

at 8 o'clock and 10 min. M
SUE BEITIA, CLERK**BILL OF COSTS**

Judgment having been entered in the above entitled action on 3/24/2006
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$
Fees for service of summons and subpoena .....	.....
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	3,964.73
Fees and disbursements for printing	766.13
Fees for witnesses (itemize on reverse side)	68.00
Fees for exemplification and copies of papers necessarily obtained for use in the case .....	.....
Docket fees under 28 U.S.C. 1923 .....	.....
Costs as shown on Mandate of Court of Appeals .....	.....
Compensation of court-appointed experts .....	.....
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....	.....
Other costs (please itemize)	544.81
TOTAL \$	5,343.67

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Jack Schweigert, Esq.; Rory Toomey, Esq. Art Rose.

Signature of Attorney:



Name of Attorney: Kendra K. Kawai, Deputy Corporation Counsel

For: Defendants William P. Badua, Jeffrey Omai and Spencer Anderson

Date: 4/24/2006

Name of Claiming Party

Costs are taxed in the amount of

and included in the judgment.

By:

Deputy Clerk

Clerk of Court

Date

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

CARRIE K.S. OKINAGA, 5958
Corporation Counsel
KENDRA K. KAWAI, 7779
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Attorneys for Defendants
WILLIAM P. BADUA,
JEFFREY OMAI and
SPENCER ANDERSON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN,	) CIVIL NO. CV03-476 KSC
)
Plaintiff,	) DEFENDANTS
	) WILLIAM P. BADUA,
vs.	) JEFFREY OMAI AND
	) SPENCER ANDERSON'S BILL OF
WILLIAM P. BADUA;	) COSTS.....
JEFFREY OMAI;)
SPENCER ANDERSON;)
NEIL PANG;)
and DOES 5-10,)
	) TRIAL DATE: WEEK OF
Defendants.	) MARCH 14, 2006
)
)

**DEFENDANTS WILLIAM P. BADUA, JEFFREY OMAI AND
SPENCER ANDERSON'S BILL OF COSTS**

Judgment was entered in favor of Defendants WILLIAM P. BADUA, JEFFREY OMAI and SPENCER ANDERSON (hereinafter "Defendants") and against Plaintiff OFELIA COLOYAN (hereinafter "Plaintiff") in accordance with the jury verdict of March 20, 2006, the Clerk is hereby requested to tax the following costs in favor of Defendants:

DEPOSITIONS

<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
12/15/04	Oral Deposition of William P. Badua	\$143.75
1/6/05	Oral Deposition of Ofelia Coloyan	449.64
3/18/05	Castle Medical Records Human Resources Department Volumes I and II	461.45
	Volume III	51.95
3/31/05	Oral Deposition of Donald Stafford Oral Deposition of Spencer Anderson Oral Deposition of Detrich Kamakani	337.84
4/4/05	Oral Deposition of Darren Nihei	153.34
4/18/05	Oral Deposition of Neil Pang	134.69
12/29/05	Wackenhut Corporation Custodian of Records	142.69
1/12/2006	Oral Deposition of Robert C. Marvit, M.D.	372.11

DEPOSITIONS (cont'd)

<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1/13/06	Oral Deposition of Steven M.C. Lum, M.D.	\$ 290.06
2/14/06	Oral Deposition of Jeffrey Omai	390.12
2/17/06	Oral Deposition of Alejandro Coloyan	287.72
2/23/06	Oral Deposition of Byron Eliashof, M.D.	749.37

Total: \$3964.73

COPYING COSTS

<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
9/23/04	Professional Image—copying of files	\$ 4.58
	Pleadings and correspondence (5077 pages @ \$.15 per page)	761.55

Total: \$ 766.13

VIDEO TAPING

2/23/06	Videotaping of Dr. Byron Eliashof Deposition	\$ 271.36
3/16/06	Edit of Dr. Byron Eliashof Deposition	273.45

Total: \$ 544.81

Witness and Mileage Fees

Alejandro Coloyan \$ 30.00

Custodian of Records, Castle Medical Center, Human Resources 38.00

Total: \$ 68.00

Grand Total: \$ 5343.67

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

OFELIA COLOYAN,	) CIVIL NO. 03-476 KSC
)
Plaintiff,	) CERTIFICATE OF SERVICE
)
vs.)
)
WILLIAM P. BADUA;)
JEFFREY OMAI;)
SPENCER ANDERSON;)
NEIL PANG;)
and DOES 5-10,)
)
Defendants.)
)
)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within was duly served by the methods of service noted, a true and correct copy of the foregoing was duly served on the following individuals at their address listed below on April 24, 2006:

Served by First Class Mail:

JACK SCHWEIGERT, ESQ.
550 Halekauwila Street, Room 309
Honolulu, Hawai'i 96813
and

ARTHUR E. ROSS, ESQ.
126 Queen Street, Suite 210
Honolulu, Hawaii 96813

and

RORY SOARES TOOMEY
1088 Bishop Street, Suite 1004
Honolulu, Hawaii 96813

Attorneys for Plaintiff
OFELIA COLOYAN

DATED: Honolulu, Hawai'i, April 24, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By:



KENDRA K. KAWAI
Deputy Corporation Counsel

Attorney for Defendants
WILLIAM P. BADUA,
SPENCER ANDERSON and
JEFFREY OMAI